

Wadhwa

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10155 OF 2023**

Cosmos Prime Projects Ltd & Anr ...Petitioners
Versus
Vasai Virar City Municipal Corporation & Ors ...Respondents

Ms Sneha Prabhu, i/b Kinnari Mehta, for the Petitioners.
Ms Swati Sagvekar, for Respondent No.1.
Mr YD Patil, AGP, for Respondents Nos.2 & 3-State.

**CORAM G.S. Patel &
 Kamal Khata, JJ.**
DATED: 4th September 2023

PC:-

1. On 24th August 2023, we made a detailed order but the 1st Respondent was not present. We directed notice to be issued. That has been done and the Vasai Virar Municipal Corporation is now represented.

2. For the reasons set out in our order of 24th August 2023, the Petition is disposed of with an order in terms of prayer clauses (a) and (c) which read as follows:

“(a) That this Hon’ble Court be pleased to issue a Writ of Certiorari or a writ in the nature of Certiorari or any other appropriate writ, order, or directions, leading to impugned

refusal letter dated 10th December 2021 being issued by Respondent No.1 to be quashed and set aside as being illegal, unconstitutional, nor tenable in law and capricious.

(c) That this Hon'ble Court be pleased to issue Writ of Mandamus or Writ, order, or direction in the nature of Mandamus directing Respondent No.1 to reconsider Applications for Occupation Certificate dated 9th September 2019 for Cosmos Legend, 17th September 2019 for Cosmos Solitaire and 11th November 2019 for Cosmos Regency.”

3. It goes without saying that any application for an Occupation Certificate (“OC”) will be considered on merits subject to all compliances but without insisting upon a fresh environmental clearance.

4. The Writ Petition is disposed of in these terms. There will be no orders as to costs.

(Kamal Khata, J)

(G. S. Patel, J)